

Dated: May 23, 2022

Respectfully submitted,

/s/Andrew M. Gould

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On May 23, 2022, a true and correct copy of the foregoing instrument was filed with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that the document was served on all counsel and/or *pro se* parties of record by a manner authorized by the Federal Rules of Civil Procedure 5(b)(2).

/s/Andrew M. Gould

Andrew M. Gould

APP. 001

Appeals for the Eleventh and Fourth Circuits; the United States District Courts for the Eastern and Western Districts of Texas; the United States District Court for the Northern District of Georgia; and the United States District Court for the Northern District of Florida.

4. I have been practicing law for more than 12 years and have extensive experience in handling all aspects of employment litigation, including cases involving wage and hour issues certified as a collective action under the Fair Labor Standards Act (“FLSA”). My billing rate for this matter is a reduced rate of \$470.00 per hour.

5. Andrew Gould is a partner at Wick Phillips and has been since 2004. He has practiced law for 28 years and is licensed to practice in the States of Texas and New York. He is certified by the Texas Board of Legal Specialization in labor and employment law and has been since 2003. Mr. Gould’s billing rate for this matter is a reduced rate of \$540 per hour.

6. Dana Hilzendager is an associate at Wick Phillips and has been since 2019. She has been licensed to practice law in the State of Texas since 2017. Ms. Hilzendager’s billing rate for this matter is a reduced rate of \$365 per hour.

7. I personally performed legal services, and supervised Ms. Hilzendager, on behalf of Defendants, in the work related to the Motion to Compel, for Sanctions, and for Attorneys’ Fees [ECF No. 172], the Brief in Support [ECF No. 173], the Appendix in Support [ECF No. 174], and the Reply in Support [ECF No. 188] (collectively, the “MTC”), along with the Reply in Support of Defendants’ Request for Expenses Related to Their Motion to Compel, this Declaration, and the attached exhibit (collectively, the “Reply”).

8. Ms. Hilzendager and I (having lower billing rates than Mr. Gould) have been primarily responsible for evaluating all of Plaintiffs’ various discovery responses, conferring with Plaintiffs’ counsel at various times regarding discovery, analyzing Plaintiffs’ filings with

the Court in connection with the MTC, and conducting research and drafting the MTC and Reply. Mr. Gould helped to coordinate overall strategy and provided some limited drafting assistance. Ms. Hilzendager had responsibility for gathering and analyzing the more than 25 sets of Plaintiffs' discovery responses and conferring with Plaintiffs' counsel on various issues.

9. In total, I spent 22.3 hours on work associated with the MTC and the Reply, which included drafting, reviewing communications with Plaintiffs' counsel, legal research, and reviewing Ms. Hilzendager's work.

10. Ms. Hilzendager spent 41.8 hours drafting, conducting legal research, communicating with Plaintiffs' counsel, and reviewing and evaluating Plaintiffs' discovery responses. This amount of time is reasonable given the sheer number of Plaintiffs' discovery deficiencies and the piecemeal nature by which Plaintiffs' counsel served the information and documents, which made it difficult to decipher whether their obligations had been fulfilled. Further, Plaintiffs have yet to fully comply with the Order, and Ms. Hilzendager, Mr. Gould, and I are continuing to devote time to evaluate and review Plaintiffs' deficient discovery and demand compliance.

11. Mr. Gould spent 10.9 hours reviewing our work and assisting with the overall strategy involved with issues concerning Plaintiffs' discovery deficiencies, the MTC, and the Reply.

12. Attached hereto as Exhibit A-1 is a true and correct copy of a spreadsheet containing the data from the invoices for this matter reflecting the entries relevant to the MTC and the Reply, including this Declaration. I have carefully reviewed all billing entries, and I certify that the work reflected in the spreadsheet was actually performed. Time billed to this matter relating to issues other than the MTC and the Reply have been excluded, as have

seemingly duplicative time entries for tasks related to the MTC and the Reply. Time spent on internal discussions regarding strategy and on performance of administrative matters (such as filing documents with the Court) also have been excluded. Further reductions have been included for certain tasks to ensure reasonableness (compare the total 96.5 in the “Billed Hours” column with the 75 “Hours Related to Motion to Compel” column in Ex. A-1). As such, I believe the billing entries listed in the invoices constitute reasonable expenses related to the MTC.

13. The total amount of reasonable attorneys’ fees incurred by Defendants relating to the MTC and the Reply is \$27,924.00. This amount excludes the \$3,700.00 that the Parties agreed Plaintiffs’ counsel will pay Defendants as Rule 37(d) sanctions related only to Plaintiffs’ failure to respond to Defendants’ Second Set of Interrogatories, as required by ECF No. 190 and approved by ECF No. 192.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed on May 23, 2022.

Molly Jones

EXHIBIT A-1

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Matter Name	Date	Timekeeper	Billed Hours	Billed Rate	Narrative	Hours Related to Motion to Compel	Reduced Total
Jorge, et al. Litigation	02/02/2022	AMG	1.00	540.00	Pursue strategy re. Plaintiffs' failure to timely respond to admissions and rogs, and re. Plaintiffs' production and whether additional documents are owed.	0.80	\$432.00
Jorge, et al. Litigation	02/04/2022	DMH	2.10	365.00	Conference with opposing counsel regarding discovery responses, document production, verifications, and depositions; draft correspondence to opposing counsel regarding summary of same; [REDACTED]	1.10	\$401.50
Jorge, et al. Litigation	02/11/2022	DMH	0.60	365.00	[REDACTED]; pursue strategy regarding motion to compel outstanding discovery from Plaintiffs.	0.30	\$109.50
Jorge, et al. Litigation	02/11/2022	MMJ	4.90	470.00	[REDACTED] ; begin drafting motion to compel and for sanctions.	2.00	\$940.00
Jorge, et al. Litigation	02/14/2022	MMJ	4.60	470.00	Review correspondence with plaintiffs' counsel, plaintiffs' discovery responses, and certain deposition transcripts; begin drafting motion to compel and for sanctions and conduct research re. same.	4.00	\$1,880.00
Jorge, et al. Litigation	02/15/2022	DMH	1.40	365.00	Review and apply revisions to Defendants' Motion to Compel and for Sanctions; review new interrogatories and requests for production served by Plaintiffs; pursue strategy regarding impact of new discovery on Defendants' Motion to Compel.	1.40	\$511.00
Jorge, et al. Litigation	02/15/2022	MMJ	3.70	470.00	Complete draft of Motion to Compel and for sanctions and review documents re. same [REDACTED]; begin drafting declarations in support of same.	3.20	\$1,504.00
Jorge, et al. Litigation	02/16/2022	AMG	1.50	540.00	Review, provide edits to motion to compel, supporting brief, and supporting declarations.	1.50	\$810.00
Jorge, et al. Litigation	02/16/2022	DMH	0.40	365.00	Review and apply revisions to Declaration of Dana Hilzendager in support of Motion to Compel.	0.40	\$146.00
Jorge, et al. Litigation	02/16/2022	MMJ	3.90	470.00	Additional work on motion to compel, for sanctions, and for attorneys' fees; draft Jones declaration; draft Hilzendager declaration; begin draft of appendix and gather document; review and correct appendix; review and revise brief in support of motion and arrange filing of documents.	3.90	\$1,833.00
Jorge, et al. Litigation	03/11/2022	AMG	0.80	540.00	Pursue strategy re. Plaintiffs' response to m/compel; prepare/circulate communication re. same to clients.	0.80	\$432.00
Jorge, et al. Litigation	03/11/2022	DMH	7.20	365.00	[REDACT]; review and analyze Plaintiffs' Response to Defendants' Motion to Compel and pursue strategy regarding response to same (.6); review correspondence from opposing counsel regarding motion for leave to late file appendix (.2); review and analyze Plaintiffs' exhibits to their Response to Defendants' Motion to Compel and compare discovery responses to previously served discovery responses (.4).	1.20	\$438.00
Jorge, et al. Litigation	03/14/2022	DMH	2.80	365.00	Review and analyze Plaintiffs' Motion for Extension of Time to File Late Appendix in support of Response to Defendants' Motion to Compel; work on Response to same; review Plaintiffs' complete Appendix, including Declaration of Crystal Le; work on Reply in support of Motion to Compel.	2.40	\$876.00
Jorge, et al. Litigation	03/21/2022	DMH	1.10	365.00	[REDACTED]; work on draft of Reply in support of Defendants' Motion to Compel.	0.50	\$182.50
Jorge, et al. Litigation	03/22/2022	DMH	3.00	365.00	Work on draft of Reply in support of Defendants' Motion to Compel; evaluate relevant case law and rules of civil procedure for same; [REDACTED]	2.00	\$730.00
Jorge, et al. Litigation	03/23/2022	MMJ	5.80	470.00	[REDACTED]; review and revise Reply brief ISO Motion to Compel and draft chart of requests and responses; [REDACTED]	4.00	\$1,880.00
Jorge, et al. Litigation	03/24/2022	AMG	1.00	540.00	Work on latest turn of reply brief in support of motion to compel.	1.00	\$540.00
Jorge, et al. Litigation	03/25/2022	AMG	0.30	540.00	Pursue strategy re. finalizing reply brief in support of M/compel.	0.30	\$162.00
Jorge, et al. Litigation	03/25/2022	DMH	2.10	365.00	Review and apply revisions to Reply in support of Motion to Compel; conduct legal research for case citations relevant for same; finalize Reply for filing; send correspondence to client regarding [REDACTED].	2.10	\$766.50
Jorge, et al. Litigation	03/25/2022	MMJ	1.50	470.00	Review, revise, and arrange filing of Reply ISO Motion to Compel; [REDACTED].	1.00	\$470.00
Jorge, et al. Litigation	04/11/2022	DMH	1.40	365.00	Review and analyze Court's Order granting Motion to Compel, for Sanctions, and for Attorneys' Fees; prepare draft of correspondence regarding [REDACTED]	1.40	\$511.00
Jorge, et al. Litigation	04/11/2022	MMJ	0.80	470.00	Review Order on Motion to Compel and revise and send email to client re. [REDACTED].	0.60	\$282.00
Jorge, et al. Litigation	04/12/2022	AMG	0.40	540.00	Review detailed email to client re. [REDACTED]; pursue strategy re. talks with opposing counsel re. MTC Order and upcoming Canzater deposition.	0.40	\$216.00

EXHIBIT A-1

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SUMMARY OF DEFENDANTS' ATTORNEYS' FEES RELATING TO MOTION TO COMPEL

Jorge, et al. Litigation	04/18/2022	MMJ	0.40	470.00	Review RFA responses from plaintiffs and correspondence re. same; review additional correspondence from opposing counsel re. discovery.	0.40	\$188.00
Jorge, et al. Litigation	04/19/2022	DMH	1.10	365.00	Review correspondence from opposing counsel regarding discovery responses and other issues; pursue strategy regarding same; begin review of responses to Second Interrogatories.	1.10	\$401.50
Jorge, et al. Litigation	04/19/2022	MMJ	1.20	470.00	Review multiple correspondence from opposing counsel with discovery responses compelled by court order and correspondence with with opposing counsel and WP team re. same.	0.90	\$423.00
Jorge, et al. Litigation	04/20/2022	AMG	0.30	540.00	Pursue strategy re. upcoming conference with opposing counsel re. sanctions, calculation of fees owed in light of Judge Horan's ruling.	0.30	\$162.00
Jorge, et al. Litigation	04/20/2022	DMH	2.90	365.00	Review and analyze invoices for February and March and calculate reasonable attorneys' fees associated with seeking to compel responses to Interrogatories; confer with opposing counsel pursuant to Court Order regarding reasonable attorneys' fees associated with seeking to compel responses to Interrogatories; pursue strategy regarding response to opposing counsel's offer; review and analyze discovery responses received from opposing counsel and outline deficiencies with same.	1.60	\$584.00
Jorge, et al. Litigation	04/20/2022	MMJ	0.50	470.00	Review Plaintiffs' Initial Disclosures and pursue strategy re. attorneys' fees/sanctions re. motion to compel.	0.50	\$235.00
Jorge, et al. Litigation	04/21/2022	AMG	1.00	540.00	Pursue strategy re. complete universe of the latest discovery responses from Plaintiffs; review, revise circulate [REDACTED]	1.00	\$540.00
Jorge, et al. Litigation	04/21/2022	DMH	2.00	365.00	Correspond with opposing counsel regarding status report and attorneys' fees issue; pursue strategy regarding resolution of attorneys' fees issue; review and analyze additional discovery responses received from opposing counsel and update chart to reflect same; revise chart to include Plaintiffs' alleged damages calculations.	1.70	\$620.50
Jorge, et al. Litigation	04/22/2022	AMG	0.60	540.00	Pursue strategy re. Rule 37(d) sanctions award; review, revise joint report and proposed order re. same.	0.60	\$324.00
Jorge, et al. Litigation	04/22/2022	DMH	2.20	365.00	Correspond with opposing counsel regarding attorneys' fees issue; draft Joint Report reflecting results of conference with opposing counsel on attorneys' fees issue; draft proposed agreed order incorporating provisions of same; review and analyze additional discovery responses sent from opposing counsel and update chart to reflect same.	2.20	\$803.00
Jorge, et al. Litigation	04/25/2022	DMH	1.10	365.00	Correspond regarding upcoming client call [REDACTED]; review additional discovery responses sent from opposing counsel and identify issues in same; update deficiency chart.	1.10	\$401.50
Jorge, et al. Litigation	04/29/2022	AMG	0.30	540.00	Pursue strategy re. next steps re. deficiencies in Plaintiffs' discovery responses.	0.30	\$162.00
Jorge, et al. Litigation	04/30/2022	DMH	0.20	365.00	Draft correspondence to opposing counsel regarding meet and confer attempts.	0.20	\$73.00
Jorge, et al. Litigation	05/02/2022	DMH	2.90	365.00	Correspond with opposing counsel regarding meet and confer; prepare for meet and confer by reviewing discovery responses and identifying issues in same; conduct conference with opposing counsel regarding discovery deficiencies.	2.90	\$1,058.50
Jorge, et al. Litigation	05/03/2022	AMG	0.40	540.00	Pursue strategy re. addressing Plaintiffs' discovery deficiencies, and re. latest t/c with opposing counsel.	0.40	\$216.00
Jorge, et al. Litigation	05/03/2022	DMH	1.00	365.00	Work on letter to opposing counsel regarding summary of call to discuss discovery deficiencies; [REDACTED].	0.80	\$292.00
Jorge, et al. Litigation	05/04/2022	DMH	3.20	365.00	[REDACTED]; work on letter summarizing Plaintiffs' discovery deficiencies and results of attorney conference on same.	2.60	\$949.00
Jorge, et al. Litigation	05/05/2022	DMH	1.90	365.00	Work on revisions to letter summarizing discovery deficiencies and results of conference with opposing counsel; pursue strategy regarding same; correspond with opposing counsel regarding letter.	1.90	\$693.50
Jorge, et al. Litigation	05/06/2022	DMH	1.10	365.00	Conference with opposing counsel regarding discovery issues; draft [REDACTED] to client.	1.10	\$401.50
Jorge, et al. Litigation	05/09/2022	DMH	0.90	365.00	Review and analyze Plaintiffs' Response to Defendants' Motion for Fees and Sanctions; pursue strategy regarding same; draft correspondence to client regarding [REDACTED].	0.90	\$328.50
Jorge, et al. Litigation	05/10/2022	DMH	0.30	365.00	Pursue strategy regarding status update to client and collection of outstanding items from opposing counsel.	0.30	\$109.50
Jorge, et al. Litigation	05/11/2022	AMG	0.30	540.00	Review, evaluate latest disclosures from Plaintiffs; pursue strategy re. same.	0.30	\$162.00
Jorge, et al. Litigation	05/11/2022	DMH	0.20	365.00	Review correspondence from opposing counsel regarding discovery supplementation.	0.20	\$73.00
Jorge, et al. Litigation	05/12/2022	AMG	1.20	540.00	Work through evaluating/deciphering Plaintiffs' latest disclosures re. alleged unpaid hours, damages; work on [REDACTED].	1.20	\$648.00

EXHIBIT A-1

SUMMARY OF DEFENDANTS' ATTORNEYS' FEES RELATING TO MOTION TO COMPEL

Jorge, et al. Litigation	05/17/2022	DMH	1.90	365.00	Continue review of recent discovery responses sent from Plaintiffs and documents produced by same; identify deficiencies in same; [REDACTED].	1.50	\$547.50
Jorge, et al. Litigation	05/20/2022	DMH	6.10	365.00	Review Plaintiffs' Response to Defendants' Request for Reasonable Expenses and identify issues to address from same; work on Defendants' Reply in support of Request for Reasonable Expenses; evaluate legal and factual issues regarding burden to overcome mandatory reasonable expenses and standards for recovering attorneys' fees.	6.10	\$2,226.50
Jorge, et al. Litigation	05/21/2022	DMH	1.70	365.00	Continue work on Reply in support of Defendants' Request for Reasonable Expenses and reviewing standards for declarations in preparation for drafting same.	1.30	\$474.50
Jorge, et al. Litigation	05/22/2022	AMG	2.00	540.00	Work through response in opposition to Plaintiffs' filing contesting our Rule 37 motion for expenses/fees; pursue strategy re. declarations in support of same.	1.20	\$648.00
Jorge, et al. Litigation	05/22/2022	DMH	1.50	365.00	Review and apply revisions to Reply in support of Defendants' Request for Reasonable Expenses; draft the Declaration of Molly Jones in support of the Reply.	1.50	\$547.50
Jorge, et al. Litigation	05/22/2022	MMJ	2.80	470.00	[REDACTED]; review and revise reply ISO Defendants' request for expenses regarding the motion to compel and multiple correspondence re. same.	1.80	\$846.00
Jorge, et al. Litigation	05/23/2022	AMG	1.00	540.00	Pursue overall strategy re. latest Rule 37 filings (briefing, supporting declarations), and pursue various revisions to same.	0.80	\$432.00
Total			96.50			75.00	\$31,624.00
						Less Rule 37(d) payment	\$3,700.00
						TOTAL	\$27,924.00